

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RAY A. COLE, )  
 )  
Plaintiff, pro se, )  
 )  
v. ) 1:08CV499  
 )  
TEAMSTERS LOCAL, )  
UNION NO. 391 and )  
DONNY BROWN, )  
 )  
Defendants. )

**ORDER**

On October 30, 2008, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed, and notice was served on Plaintiff. Within the time limitation set forth in the statute, Plaintiff objected to the Recommendation (Doc. 17), and Defendants filed a response (Doc. 18).

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that Defendant's motion to dismiss (Doc. 6) be GRANTED. A judgment dismissing this action will be entered contemporaneously with this Order.

/s/ Thomas D. Schroeder  
United States District Judge

March 30, 2009